

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE KEITHLY, DONOVAN LEE,
and EDITH ANNA CRAMER,
Individually and on Behalf of all Other
Similarly Situated,

Plaintiffs,

vs.

INTELIUS, INC., A Delaware
Corporation; and INTELIUS SALES,
LLC, A Nevada Limited Liability
Company,

Defendants.

Case No. C09-1485-RSM

DECLARATION OF RONALD V.
THUNEN III IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT

NOTED FOR:

Friday, February 26, 2010

I, RONALD V. THUNEN III, declare:

1. I am Director of Program Management of the Consumer Business Unit of Intelius Inc. ("Intelius") defendant in the above captioned action. Prior to being appointed Director of Program Management, I was a lead program manager. I am making this declaration based on facts within my own personal knowledge and in support of Defendants' Motion to Dismiss Plaintiffs' Complaint and Defendants' Request for Judicial Notice. If called upon to do so, I would and could competently testify thereto.

DECLARATION OF RONALD V. THUNEN III
IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT - 1

1 2. Attached hereto as Exhibit A is a true and correct copy of the Adaptive Marketing
2 LLC "Family Safety" enrollment form webpage on the Intelius site displayed to plaintiff Lee/
3 Cramer in June 2008. The identical webpage is also attached as Exhibit A to the Declaration of
4 Tyler L. Farmer.

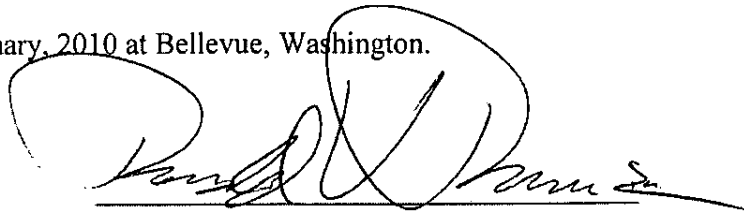
5 3. Attached hereto as Exhibit B are true and correct copies of Intelius Background
6 Check check-out webpages, regenerated from Intelius' servers on January 11, 2010, as they were
7 displayed to plaintiff Keithly on April 7, 2009 in connection with his purchase of a background
8 check for \$39.95 with a \$10.00 discount for enrolling in a trial membership of Identity Protect.

9 4. Attached hereto as Exhibit C are true and correct copies of Intelius Background
10 Check check-out webpages, regenerated from Intelius' servers on January 11, 2010, as they
11 existed on April 7, 2009 and would have been displayed to Mr. Keithly, had he elected to
12 purchase the identical background check product for \$49.95.

13 5. The Identity Protect membership in which Mr. Keithly enrolled in the webpages
14 attached as Exhibit B is an Intelius subscription service and is not affiliated with Adaptive
15 Marketing LLC.

16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.

18 DATED this 11th day of January, 2010 at Bellevue, Washington.

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21 RONALD V. THUNEN III
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2010, I served a true and correct copy of the foregoing DECLARATION OF RONALD V. THUNEN III IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT on the following individuals:


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Susie Clifford

DECLARATION OF RONALD V. THUNEN III
IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT - 3

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